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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,951	03/24/2004	Rodney Haas	E-11	4078
21253	7590	06/04/2007		
CHARLES G. CALL 215 W. HURON ST APT 2 CHICAGO, IL 60610-3331			EXAMINER SHEN, KEZHEN	
			ART UNIT	PAPER NUMBER
			2609	
			MAIL DATE	DELIVERY MODE
			06/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,951	Applicant(s) HAAS, RODNEY	
	Examiner Kezhen Shen	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 10 objected to because of the following informalities: the word "said" is repeated twice.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 3 recites the limitations "said second transfer location" and "vertical transport".

There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Omoto et al. US 2003/0107960 A1

Regarding claim 1 Omoto et al. teach a CD changer (Omoto et al. 1 of Fig. 1, [0053] disk changer apparatus) comprising, in combination, a storage unit for supporting a collection of CDs in one or more vertical stacks (Omoto et al. 20 of Fig. 1, [0053] a disk storage section), a CD player comprising a housing (Omoto et al. 50 of Fig. 1, [0053] drive device) and an movable CD access tray for transporting an individual CD between an operating location inside said housing and an extended location external to said housing (Omoto et al. 51 of Fig. 11, [0072] sliding tray of the disk drive to advance to the disk takeout position), a lifting mechanism for moving said individual CD between said extended location and a transfer location positioned above said extended location (Omoto et al. 60 of Fig. 1, [0053] disk elevator section), and a horizontal transport for moving said individual CD between said transfer location and a selected storage location within one of said stacks (Omoto et al. 30 of Fig. 1, [0053] disk transport section).

Regarding claim 2 Omoto et al. teach a CD changer as set forth in claim 1 wherein said transfer location is defined by a vertically movable disk carrier (Omoto et al. 30 of Fig. 1, [0053] disk transport section) including vertical drive means for positioning said disk carrier at the same vertical level as said given storage level within one of said stacks (Omoto et al. 20 and 30 of Fig. 1, [0058] an elevator mechanism for vertical movement along the front end of the disk storage section and the disk transport section can be moved vertically along the disk storage section).

Regarding claim 3 Omoto et al. teach a CD changer as set forth in claim 2 wherein said vertical transport comprises a CD lifting mechanism (Omoto et al. 60 of

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Figs. 5, 6 and 7, [0053] disk elevator section) for lifting said individual CD from said extended location on said access tray to a position above said transfer location (Omoto et al. Fig. 12, [0073] control drives the disk elevator section to raise the disk holding portion to the predetermined uppermost position) and then dropping said individual CD onto said disk carrier at said second transfer location (Omoto et al. Fig. 13, [0074] The disk holding portion is raised through the sliding tray and moves into the disk transport section. [0079] To transport the disk D from the drive device back to the disk storage section the control section controls the various commands in the order opposite to the above described. By reversing the operation the disk D travels from the disk holding portion into the disk transport section).

Regarding claim 4 Omoto et al. teach a CD changer as set forth in claim 2 wherein said vertical transport comprises a CD lifting mechanism (Omoto et al. 60 of Figs. 5, 6 and 7, [0053] disk elevator section) for lifting said individual CD from said transfer location defined by said disk carrier to a position above said transfer location (Omoto et al. Fig. 12, [0073] the disk elevator section raise the disk holding portion to the predetermined uppermost position) and then dropping said individual CD through said second transfer location onto said access tray at said extended location (Omoto et al. Fig. 15, [0076] the disk is moved into the lowermost position to place the disk from the holding portion onto the sliding tray).

Regarding claim 5 Omoto et al. teach a CD changer (Omoto et al. 1 of Fig. 1, [0053] disk changer apparatus) comprising, in combination, a CD player comprising a housing (Omoto et al. 50 of Fig. 1, [0053] drive device) and an movable CD access tray

for moving an individual CD between an operating location inside said housing and an extended location external to said housing (Omoto et al. 51 of Fig. 11, [0072] sliding tray of the disk drive to advance to the disk takeout position), a lifting mechanism for moving an individual CD between said extended location and a transfer location positioned above said extended location (Omoto et al. 60 of Fig. 1, [0053] disk elevator section), and a disk storage unit for comprising, in combination of one or more vertical arrays of disk storage shelves for supporting compact disks (Omoto et al. 20 of Fig. 1, [0053] a disk storage section), and a disk transport mechanism (Omoto et al. 30 of Fig. 1, [0053] disk transport section) including a disk carrier for moving said individual CD between said transfer location and a selected one of said disk storage shelves (Omoto et al. 30 of Fig. 1, [0058] the disk transport section is disposed near the front end opening of the disk storage section for vertical movement along the front end of the disk storage section via an elevator mechanism).

Regarding claim 6 Omoto et al. teach a CD changer as set forth in claim 5 wherein said disk transport (Omoto et al. 30 of Fig. 1, [0053] disk transport section) means comprises a mechanism for transporting said individual CD vertically between said transfer location and an intermediate location horizontally aligned with said selected one of said shelves (Omoto et al. 30 of Fig. 1, [0058] the disk transport section is disposed near the front end opening of the disk storage section for vertical movement along the front end of the disk storage section via an elevator mechanism) and for transporting said individual CD horizontally between said intermediate position and said selected one of said shelves (Omoto et al. Fig. 11, [0059] the disk transport section

contains a tray transfer mechanism and can transfer a designated tray horizontally and can transfer between the disk storage section and the disk transport section)

Regarding claim 7 Omoto et al. teach a CD changer as set forth in claim 5 wherein CD lifting mechanism (Omoto et al. 60 of Figs. 5, 6 and 7, [0053] disk elevator section) moves said individual CD from said extended location to transfer location by lifting said CD above said transfer location (Omoto et al. Fig. 12, [0073] control drives the disk elevator section to raise the disk holding portion to the predetermined uppermost position) and then dropping said individual CD onto disk carrier at said transfer location (Omoto et al. Fig. 13, [0074] The disk holding portion is raised through the sliding tray and moves into the disk transport section. [0079] To transport the disk D from the drive device back to the disk storage section the control section controls the various commands in the order opposite to the above described. By reversing the operation the disk D travels from the disk holding portion into the disk transport section).

Regarding claim 8 Omoto et al. teach a CD changer as set forth in claim 7 wherein CD lifting mechanism (Omoto et al. 60 of Figs. 5, 6 and 7, [0053] disk elevator section) moves said individual CD from said transfer location to said extended location by lifting said CD from said disk carrier at said transfer location to a position above said transfer location and then dropping said individual CD onto said access tray at said extended (Omoto et al. Fig. 15, [0076] the disk is moved into the lowermost position to place the disk from the holding portion onto the sliding tray).

Regarding claim 9 Omoto et al. teach a CD changer as set forth in claim 7 wherein said CD lifting mechanism (Omoto et al. 60 of Figs. 5, 6 and 7, [0053] disk

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elevator section) comprises a set of scissor action levers (Omoto et al. 64 of Figs. 5,6 and 7, [0064] gear levers) driven at their lower end by an electric motor (Omoto et al. 65 of Figs. 5, 6 and 7, [0065] driving motors) that separates and brings together said levers to lower and raise said lifting mechanism (Omoto et al. [0065] causes the disk holding portion to move in the vertical or up-and-down direction).

Regarding claim 10 Omoto et al. teach a CD changer as set forth in claim 7 wherein a frustoconical member at the top of said lifting mechanism engages with and aligns the center opening of said individual CD (Omoto et al. 61 of Figs. 5, 6 and 7, [0064] a disk holding portion capable of fitting in a center hole of the disk).

Regarding claim 11 Omoto et al. teach a CD changer as set forth in claim 6 wherein said mechanism for transporting said individual CD vertically includes a two speed drive mechanism for first moving said individual CD rapidly to approximately a desired vertical level and then moving said individual CD at a slower rate to said intermediate location horizontally aligned with one of said shelves (Omoto et al. Figs. 5, 6 and 7, [0064] a speed reduction mechanism for slowing down rotations of the driving motors to thereby transmit the thus slowed-down rotations to the gear lever).

Examiner's Note

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may

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be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Conclusion

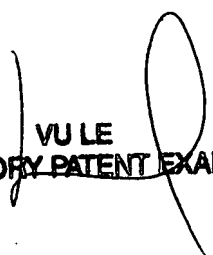
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday - Friday 7:30 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kezhen Shen


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SUPERVISORY PATENT EXAMINER